

# **DISCLAIMER**

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**COMMONWEALTH OF VIRGINIA, ex rel.**

**DERRICK AND KAREN DOUGLAS,  
Complainants**

**v.**

**CASE NO. PUE010661**

**SOUTHWESTERN VIRGINIA GAS COMPANY,  
Respondent.**

## **REPORT OF MICHAEL D. THOMAS, HEARING EXAMINER**

**January 30, 2002**

### **HISTORY OF THE CASE**

On November 26, 2001, Derrick and Karen Douglas (the "Complainants") filed a formal complaint with the Commission against Southwestern Virginia Gas Company (the "Company"). The Complainants requested that the Commission initiate an investigation against the Company into certain allegations of improper termination of natural gas service.

By Preliminary Order entered on December 14, 2001, the Commission docketed this case, assigned the matter to a Hearing Examiner, and ordered the Company to file an Answer, on or before December 20, 2001, to the allegations made in the complaint.

On December 20, 2001, the Company filed an Answer wherein it denied the allegations in the complaint.

By Hearing Examiner's Ruling entered on December 27, 2001, a hearing was scheduled for January 24, 2002, at 10:00 a.m. in the Council Chambers, City of Martinsville, Virginia. Additionally, a procedural schedule for the pre-filing of testimony and exhibits by the parties was established.

On January 16, 2002, the Company, by counsel, filed a Motion to Extend Hearing Date and for Change of Hearing Location. The Company requested that the hearing date be extended from January 24, 2002, to February 7, 2002, so the parties might have sufficient time to complete settlement discussions and conclude this matter. In the event the parties could not settle this matter, the Company requested that the Hearing Examiner reconsider his decision to conduct the hearing in Martinsville, Virginia. The Company noted the Commission and the Company would incur significant travel expenses if the hearing were held in Martinsville, whereas the Complainants would be the only parties who would have to travel to a hearing in Richmond. The Company argued the Complainants have the burden of proving their case, and it was unaware of any disputed facts in the case. The Company argued the Complainants simply did not want to pay the full amount of the deposit required of customers who have declared bankruptcy.

By Hearing Examiner's Ruling entered on January 17, 2002, the January 24, 2002, hearing date was rescheduled to February 7, 2002. The Hearing Examiner noted in his Ruling that the Complainants were required to file with the Clerk of the Commission on or before January 15, 2002, any testimony and exhibits they intended to present at the hearing. The Complainants failed to make such filing. In light of the Complainants' failure to diligently pursue their case, and for judicial economy, the hearing was scheduled to be conducted in the Commission's Second Floor Courtroom in Richmond, Virginia.

On January 22, 2002, the Company filed a Motion to Order Settlement Terms and to Dismiss.

By correspondence filed with the Commission on January 24, 2002, the Complainants advised the Commission's Staff that they had accepted the Company's offer to settle the matter and were agreeing to withdraw their complaint against the Company.

## **DISCUSSION**

I find the settlement entered into between the Complainants and the Company reasonably resolves the complaint filed herein. Accordingly, **I RECOMMEND** the Commission enter an order that:

- (1) ***ADOPTS*** the findings herein;
- (2) ***DISMISSES*** the complaint filed herein with prejudice; and
- (3) ***PASSES*** the papers herein to the file for ended causes.

## **COMMENTS**

The parties are advised that any comments (Section 12.1-31 of the Code of Virginia and 5 VAC 5-20-120 C) to this Report must be filed with the Clerk of the Commission in writing, in an original and fifteen (15) copies, within twenty-one (21) days from the date hereof. The mailing address to which any such filing must be sent is Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Any party filing such comments shall attach a certificate to the foot of such document certifying that copies have been mailed or delivered to all counsel of record and any such party not represented by counsel.

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Michael D. Thomas  
Hearing Examiner